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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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THOMAS E. HORNISH AND SUZANNE J. HORNISH JOINT LIVING TRUST, et al.,	CASE NO. C15-284 MJP
Plaintiffs,	ORDER ON MOTION TO STAY ENFORCEMENT
v.	
KING COUNTY,	
Defendant.	

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17   The Court has received and reviewed Plaintiffs' Motion to Stay Enforcement of Order for

18 Summary Judgment Pending Resolution of Appeal (Dkt. No. 78), as well as the response and

19 reply briefing. In their briefing, Plaintiffs request that the Court stay enforcement of an order

20 issued over 18 months ago quieting title in Defendant King County, pending a ruling on

21 Plaintiffs' appeal of that order (and the resulting judgment) to the Ninth Circuit Court of

22 Appeals.

23   The Court is puzzled by Plaintiffs' statutory justification for their request. Plaintiffs

24 claim to bring their motion under FRCP 62(c), which reads:

(c) Injunction Pending an Appeal. While an appeal is pending from an interlocutory order or *final judgment that grants, dissolves, or denies an injunction*, the court may suspend, modify restore, or grant an injunction on terms for bond or other terms that secure the opposing party's rights.

(emphasis supplied.)

A review of the record in this matter reveals no injunctive relief – an injunction was neither sought nor ordered; neither granted, dissolved, nor denied. In the absence of any such circumstance, the Court is at a loss to understand how FRCP 62(c) applies and what authority it has to order the relief requested by Plaintiffs. With that in mind,

IT IS ORDERED that parties shall submit supplemental briefing, not to exceed five (5) pages in length, on whether and how this Court possesses authority under FRCP 62(c) to order the relief requested by Plaintiffs, and why Plaintiffs should not seek the relief they request from the Ninth Circuit. The briefing is due no later than **February 27, 2018** (and the motion will be re-noted to that date)**.**

The clerk is ordered to provide copies of this order to all counsel.

Dated: February 20, 2018.

Marsha J. Pechman
United States District Judge